

**Planning & Zoning Commission Meeting  
County Administrative Offices, Duchesne, Utah  
May 2, 2007 - 5:00 p.m.**

**In Attendance were:**

Chris Peatross, Planning Commission Chairman  
Leon Sweat, Planning Commission  
Dean Brough, Planning Commission  
Shelly Fabrizio, Planning Commission  
Thomas Rather, Planning Commission  
Randy Mair, Planning Commission  
Mike Hyde, Community Development Administrator  
Laraine Dickinson, Planning Secretary

**Visitors:**

**Agenda Item**

Clinton Moon	Rezone
Gene Ostler	
Roger Brockbank	Rezone
Bob West	
Clifford Conover	
Gerald Cooper	
Bobby Richardson	
Byron Gibson	Gravel Pit C.U.P.
Brad Brotherson	
Winifred & Craig Zimmermann	
Kelly Thompson	

Chairman Peatross called the meeting to order at 5:00 P.M.

**PUBLIC HEARINGS:**

- A. Recommendation to the County Commissioners regarding a request by Clinton and Donnette Moon to rezone two parcels of land (16.685 acres) from AR-5 to Commercial; located at the SW corner of the intersection of the Pariette Road and 10000 South in Pleasant Valley.**

Mr. Hyde stated that the applicants wish to rezone two parcels of land, each just over 8 acres in size, so that businesses may utilize these lands for oilfield-related activities. The properties are located just northwest of the Newfield operations on Pariette Road.

A letter was received from Clinton Moon indicating why he is requesting a rezone for this area.

Mr. Hyde stated that in the Table of Uses it shows what is now allowed in an AR-5 zone and what would be allowed if the zoning were changed to Commercial. Mr. Hyde stated that the criteria for approval of Zoning Ordinance and Map Amendments would be:

1. Whether or not there is benefit to the community;

Providing additional land for business location is beneficial to the economic health of the community. Healthy growth in the oil and gas industry has generated a need for more business sites. Commercial and Industrial land in the county is in short supply, with industrial zoning confined to the Roosevelt and Duchesne Airport areas and Ioka Lane. Commercial zoning would provide more land for oilfield support businesses but would prohibit undesirable uses such as junkyards, which are allowed in the industrial zone.

2. Consistency with the goals and policies of the general plan;

Mr. Hyde referred to excerpts that were taken from the general plan that are applicable to this case and demonstrate that the county is supportive of business expansion and the provision of land to site new or expanding businesses where there are adequate facilities. The proposed location for commercial land has access to Highway 40 via the Pariette Road. There is culinary water available from the Johnson Water District. This area has seen increasing growth with Newfield's operation and oil fields to the south.

3. Compatibility with the neighborhood;

Mr. Hyde stated that the majority of the surrounding areas are agricultural lands with the exception of the Newfield facilities to the southeast. The nearest home is approximately 1600 feet to the north. Between the proposed rezone site and Newfield are 53 acres owned by a company that received a Conditional Use Permit on April 5, 2006 to construct a machine shop.

4. What changes have occurred in the neighborhood since the zoning ordinance and map or latest amendment was enacted;

The expansion of the oil and gas industry in the Uintah Basin has generated the need for more commercial and industrial land to accommodate businesses. In the letter from Mr. Moon it indicates that Flying J and Newfield are interested in area for a trucking hub.

5. Whether a change in the use for the affected properties will unduly affect the uses for adjoining properties;

Mr. Hyde stated that business use of the subject parcels is not anticipated to affect agricultural operations or proposed business operations on surrounding lands. Adding residential development in this area would have more likelihood of generating complaints associated with oilfield and agricultural activities.

6. Consider the interest of the applicant.

Mr. Hyde stated that the subject lands are not presently irrigated, so the property is not valuable as farmland and is reasonable to put to a productive use in support of oilfield activities.

Commissioner Sweat asked Mr. Hyde that he noticed that in the Staff Report it stated that there was culinary water available in the area but that there didn't seem to be a letter from the water district stating that there was a connection available. Mr. Hyde stated that this request is for a rezone and so a letter from the water district is not a requirement at this time. Clinton Moon stated that there are water lines accessible to both parcels of lands and that he did receive a letter from Johnson Water District but gave it Tri-County Health Department. Commissioner Sweat asked if there would be restroom facilities in the area and Mr. Moon stated that he had no idea what types of facilities there would be. Mr. Moon stated that it would be a hub for highway trucks to break and hook-up so that their tankers are not out on the rough roads.

Chairman Peatross commented that he was not in favor of spot zoning. Mr. Hyde stated that a recent Legislative Session they did away with the concept of spot zoning. Counties changed their ordinances to state that there is no such thing as spot zoning.

Commissioner Sweat motioned that the Planning Commission adopt the findings and conclusions herein and recommend approval of this rezone by the County Commissioners.

Commissioner Mair seconded the motion and it passed unanimously.

**B. Recommendation to the County Commissioners regarding a request by Roger Brockbank and Bob West to rezone approximately 64 acres of land from R-1 to Industrial; located on the west side of 3000 West in the SE ¼ of Section 24, T2S, R2W, north of the Roosevelt Airport.**

Mr. Hyde referred to two aerial maps the first one would give some idea as to where the proposed rezone would be located in relationship to the Roosevelt Airport and Burdick Paving and the second aerial would show how the rezone would be located compared to the existing residential properties to the north. Mr. Hyde stated that on the map that the applicant submitted it shows that there are 108 acres total but that the applicants are reserving 300 feet on the west and the north in the R-1 zoning in an attempt to provide a buffer between the industrial land and the existing residential properties in the vicinity.

Mr. Hyde stated that a letter was received from the applicants stating the need for the rezone in this area. A chart showing the Table of Uses was provided to the Planning Commission showing what is permitted in an R-1 zone and what is permitted in an Industrial zone.

Mr. Hyde stated that there are six criteria for approval of Zoning Map Amendments and the planning commission and the county commission need to consider the following factors:

1. The overall community benefit of the proposed amendment;  
Healthy growth in the oil and gas industry has generated a need for more business sites. Industrial land in the county is in short supply, with industrial zoning confined to the Roosevelt and Duchesne Airport areas, Ioka Lane and an expanding node near Newfield Oil in Pleasant Valley.

2. Consistency with the goals and policies of the general plan;  
Mr. Hyde stated that excerpts from the general plan are applicable to this case and demonstrate that the county is supportive of business expansion and the provision of land to site new or expanding businesses where there are adequate facilities. This proposed location has access to Highway 40 within about one mile, culinary water is available and emergency services are available in Roosevelt.

3. Compatibility with the neighborhood;  
Mr. Hyde stated that existing industrial uses exist to the south of the proposed rezone and in the Roosevelt Municipal Airport Industrial Park. Mr. Hyde stated that the 300 foot wide buffer zone has been retained between the rezone and residential lands to the north and west in an effort to ensure compatibility. Also the lands to the southeast are zoned industrial.

4. What changes have occurred in the neighborhood since the zoning ordinance and map or latest amendment was enacted;  
Mr. Hyde stated that the most recent changes in the zoning map in this area occurred in 1999 and since that time there has been a greater demand for more industrial sites. There has not been significant residential subdivision activity in the immediate vicinity.

5. Whether a change in the use for the affected properties will unduly affect the uses for adjoining properties;  
Mr. Hyde stated that with the 300-foot buffer zone to the north and west, the change of this zone to industrial would not unduly affect the uses of adjoining properties.

6. Consider the interest of the applicant.  
Mr. Hyde stated that the applicant has submitted a reasonable request given existing industrial zoned lands to the south and southeast and the provision of a buffer zone on the north and west sides of the property to protect existing residential lands from adverse impacts.

Commissioner Brough asked Mr. Hyde if the property owned by Mr. Conover is included in the rezone? Mr. Hyde stated that it not.

Commissioner Brough asked would there be industrial buildings or do we know at this time what type of businesses would be going in? Mr. Hyde stated at this time it is uncertain just what type of industrial businesses would be going in but would think that it would be the same type of development as in the Roosevelt Airport Industrial Park.

Commissioner Mair asked why a rezone to industrial rather than commercial. Mr. Hyde stated that the applicants probably looked at the Table of Uses and industrial would better meet their needs and there are existing industrial lands to the south and southeast.

Roger Brockbank stated that the plan is to leave some of the R-1 zone next to the present R-1 zone so as not to have the industrial zone next to the residential homes that are already in the area. The one that would be the most affected would be the parcel next to the paved road, which is owned by Mr. Conover. Mr. West showed to the commission where the property is located near the city limits. Mr. Brockbank stated that this would bring in more industrial property into Duchesne County, which creates more revenue than individual residential housing. Mr. West stated that several representatives from outside the area looking for industrial land have approached them and commercial properties and industrial properties that are already zoned are being utilized or have already been bought.

Commissioner Sweat stated that his big concern is this being so close to an already existing residential area and not knowing what type of industrial businesses would be going in and asked if there was any idea of what type of businesses would be going in. Mr. Brockbank stated that would hard to say but would think that it would be oil field related. Commissioner Sweat stated that in the letter from the applicants it states that they would be erecting some metal buildings and so there must be some kind of idea as to what types of businesses would be going in. Mr. Brockbank stated that they do, to some degree, like an underground utility company but that could last for only a couple of years so it is really hard to say.

Commissioner Brough asked would the 300-foot buffer zone stay raw ground? Mr. Brockbank stated that it would stay R-1 zoning so the people buying that property would know that they would be buying residential land next to the industrial zone. Commissioner Brough asked is there access to this buffer zone property? Mr. Brockbank stated that not presently but when the property is developed then there would be access available. Mr. West stated that there is a road to the north but it is a private road and so there is no access there.

Chairman Peatross asked if there was anyone that would like to speak in favor of this proposal. There was not, so he asked for those in opposition.

Gerald Cooper stated that he lives in the residential area just to the north. Mr. Cooper stated that this particular rezone should not be compared with the rezone that Mr. Moon was doing by Newfield's in that it is an agricultural area and this is a residential area. Mr. Cooper stated that he did not think that the 300-foot buffer zone is adequate because in most industrial areas there are a lot of lights. Noise is another concern. If it is going to be oil field businesses they do business around the clock. Also there would be some concerns with air quality because oil field businesses use chemicals of one

kind or another. Mr. Cooper stated that there is enough land out in the county where an industrial zone could be placed rather than in a residential area.

Bobby Richardson stated that he is also in opposition to this area becoming an industrial zone. Mr. Richardson stated that in the findings of fact it states that there is a shortage of industrial areas in the county but just to the south of this proposed rezone there is an industrial zone and for whatever reasons it is not being used as such. If there is such a demand for this type of zone then why is the property already zoned industrial not being sold or being used.

Mr. Richardson stated that in #5 of the findings of fact that it states whether a change in the use for the affected properties will unduly affect the uses for adjoining properties and I am sure that if this was turned around Mr. West would not like this going in next to his residence just like I am not happy with it going in next to my property. And I do not think that a 300-foot buffer zone is an adequate size around an industrial area with lighting, noise etc.

Clifford Conover stated that he has property adjacent to this proposed rezoning. Mr. Conover stated that this could be a possible recycling site. There could be hazardous waste and the applicants have given me absolutely no buffer zone. Mr. Conover stated that at this time he does not have a home on his property but was planning on building in the future and now with the uncertainty of what may be going in on this property he doesn't know if he wants to build there. Mr. Conover stated that he is in agreement with Mr. Cooper and Mr. Richardson with their concerns with lighting, noise, hazardous waste etc. Mr. Conover stated that a letter from other surrounding property owners was sent in to the Planning Commission stating that they did not want this to be rezoned to industrial. Mr. Hyde stated that Mr. Conover had submitted some photos of the surrounding industrial areas to show what types of businesses there are in the area now.

Gene Ostler stated that he is not in total opposition to this proposal but with the uncertainty of what type of businesses going in there are many concerns that are left unanswered. Mr. Ostler stated that he had lived in this area most of his life and he would think that there are other places in the county that are not so close to a residential area. Mr. Ostler stated that in the past Flying Diamond tried to develop in this area and had to move their operation because when the ground was disturbed their equipment and buildings would sink into the ground.

Mr. Cooper stated that when he built in this area the zoning was A-R 5 acres and since that time the zoning was changed to R-1 but at times the ground water is up and so in some cases it is hard to get a septic that will work. Mr. Cooper stated that probably in the future a sewer system could go in and then residential building in that area would increase and so I don't feel that we need an industrial park in the area. Mr. Hyde stated that in a previous meeting a representative from Tri-County Health stated that in a 1-acre zone they do not have a problem with septic systems because usually if it was previously agricultural ground, with irrigation discontinued the water table goes down.

Mr. West stated that in the photos of the area a lot of those parcels have not been broken up and so they cannot be used as industrial. Mr. West stated that in regards to hazardous waste, they need to be permitted and they would be highly regulated depending on what types of businesses would be going in. Mr. West stated that in regards to the buffer, the county regulations state that property owners within 300-feet are the ones that would be impacted and receive notice of the hearings.

Mr. Brockbank stated that he has spoke with Leon Ross who has property adjoining this proposed site and he stated that he would not have a problem with this rezone.

Commissioner Rather asked Mr. Cooper and Mr. Richardson if they had homes there now and they both indicated that they did and that there were more families that were unable to attend the meeting that were opposed to this being changed to industrial.

Chairman Peatross stated that his cousin Travis Peatross signed the petition opposed to this rezone but stated that this would not influence his decision on this matter. Mr. Hyde asked if there were any objections to Chairman Peatross continuing to participate in this matter. There were no objections.

Commissioner Mair commented on what effects this would have on surrounding properties and stated that this would definitely have an impact on the current residents in the area.

Chairman Peatross asked Mr. Hyde if there are any other alternatives that the applicants could do without a rezone? Mr. Hyde stated that without a rezone the only other alternative would be to apply for a conditional use permit for a specific use. Mr. Hyde stated that commercial uses are permitted in the R-1 zone with a conditional use permit. Mr. Hyde stated that under that option, they would have to develop one project at a time as purchasers came forward.

Commissioner Brough stated that his concern with this is the unknowns. If there were some idea of what types of business or businesses would be going in it would be easier to make a definite decision. So I have to feel for the properties owners that have spoken tonight and not knowing what may be going in.

Commissioner Fabrizio stated that the problem with Mr. Conover's property is that they literally abut his to property and he has no recourse because there is absolutely no buffer for him.

Commissioner Mair stated that, depending on the type of business, they could have lights going 24/7 and you can see them from Highway 40 and even from my home and so I wouldn't think that these property owners would want this in their backyards. The noise and the dust would also be a problem.

The commission was in agreement that more industrial properties are needed but was not sure that this should be the place. Commissioner Sweat stated that both sides to this proposed site have brought forward legitimate reasons for approval or denial.

Mr. Hyde stated that there are two options: recommend approval with the findings that have been presented tonight or motion to deny and amend #3 and #5 (compatibility with the neighborhood) and include issues with noise, dust, chemicals and lighting 24/7. Also whether a change would unduly affect the uses for adjoining properties with the same concerns. Mr. Hyde stated that another option would be recess the hearing until more information has been received. Chairman Peatross stated that he was familiar with the area and does not feel that this needs to be recessed. The rest of the commission was in agreement.

Commissioner Mair motioned to recommend denial of this request and amend # 3 and #5 in the findings of fact accordingly.

Commissioner Rather seconded that motion. Commissioners Mair, Rather, Brough and Fabrizio voted in favor, Commissioner Sweat opposed and Chairman Peatross abstained.

**C. Request by Byron Gibson and Titan Development for a Conditional Use Permit to operate a gravel pit located in the North ½ of Section 21, T1N, R1W, about 3 miles NE of Neola.**

Mr. Hyde stated that the applicant is proposing to conduct gravel-mining operations on a portion of the 637 acres of land owned by Titan Development northeast of Neola. The applicant has selected five acres on the north side of the property for initial operations. Rock would be screened initially however a crusher could be used in the future. Mr. Hyde stated that there is not much development in the area. By looking at the aerial photo you can see that it is basically oilfield roads and some canals that come out of the Uintah River and go toward Neola.

Mr. Hyde stated that the planning commission could grant a conditional use permit in compliance with the ordinance if the criteria have been met.

1. The proposed use at the proposed location will not be unduly detrimental or injurious to property or improvements in the vicinity and will not be detrimental to the public health, safety or general welfare.

Mr. Hyde stated that the zoning code contains a ¼ mile separation distance from residential units to mitigate the impacts of mining operations. Mr. Hyde stated that the closest dwelling is the Zimmerman property over a half mile away to the southwest so there are no nearby land uses that would experience detrimental impacts from the operation of the pit itself.

Mr. Hyde stated that property owners along the proposed haul route would experience more truck traffic as a result of this proposal. The proposed haul route follows an established oil well access road used by Flying J and that past and present property

owners had granted this easement. It remains to be determined whether the applicant can obtain a legal access to use this road. Dust control by the applicant would be necessary to mitigate impacts and the applicant's trucks should adhere to a residential speed limit of 25 M.P.H. on the easement for safety purposes.

2. The proposed use should be in compliance with the General Plan.

Mr. Hyde stated that in the general plan mining and energy activities remain the backbone of the region's economy. The County continues to encourage and support this type of industry.

3. That the property on which the use is of an adequate size and dimensions as not detrimental to adjoining and surrounding properties.

Mr. Hyde stated that 637-acre parcel would be large enough to handle a 5-acre site for this proposed gravel operation and if conditions are imposed regarding noise, dust control and any issues with the haul access road, the proposed use should be acceptable at this location.

Mr. Hyde stated that there are special minimum conditions for extraction of earth products:

1. Must be maintained in a dust-free condition;

Mr. Hyde stated that the applicants have indicated that a tanker truck would provide dust control, using water from one or more of three sources the first being to purchase water from the Neola Water District, second is an existing well on the property (pending approval of the State Division of Water Rights) and third an irrigation ditch (if water rights exist).

2. Bonding needs to be submitted in the amount of \$5,000.00 for the first acre and \$3,000.00 for each additional acre from which such material is taken as a guarantee of reconditioning.

Mr. Hyde stated that in this case the Division of Oil, Gas and Mining does not require a permit or a bond, so the bonding requirement could be met by naming the County as the obligee. Enlarging or modifying the area after the conditional use permit is approved would need to be presented to the Planning & Zoning Commission.

3. Reconditioning to assure the surrounding property is protected along with the beauty of the landscape;

Mr. Hyde stated that at the conclusion of the mining operation reconditioning of the site needs to occur and the applicant must submit a reclamation plan to the county for review and approval.

4. Rock crushing operations must be a minimum of ¼ of a mile from any city, town or residential use.

Mr. Hyde stated that the reason for this is because of dust and noise. The nearest resident is about ½ mile away to the southwest. The county Nuisance Ordinance sets forth time limits during which noise is permitted and that would be from 7:00 AM to 9:30

PM on weekdays, 8:00 AM to 9:30 PM on Saturdays and 9:00 AM to 9:30 PM on Sundays and holidays.

Commissioner Rather asked if this was a right of way issue rather than an easement? Mr. Hyde replied that an easement is a type of right of way but there are not any dedicated public rights of way to serve this property but there are some easements that have been granted to certain folks. Mr. Hyde stated that the applicant and his representative are here tonight and could better answer what steps have been taken in order to achieve legal access.

Commissioner Sweat asked if 10000 North is a school bus route and if it were what kind of an impact would there be with these heavy trucks? Mr. Hyde stated that he was not sure if it was but stated that 10000 North is a paved road and goes east into Uintah County. There are homes on that road and it is a good possibility that it is a bus route. Mr. Hyde stated that in a letter from the applicant it stated that there would be approximately 15 to 20 trucks per day during the summer months and 8 to 10 per day during the winter months.

Chairman Peatross asked the commission if they had any questions and there were none. He asked the applicant if he wished to offer testimony.

Byron Gibson stated that the reason for purchasing this ground was because it was so isolated he did not feel that there would be a big impact on surrounding property owners. Mr. Gibson stated that he does not feel a need to construct another road in the area when there is already an existing road if something could be worked out with surrounding property owners or with the owners of the existing road. Mr. Gibson passed around a map showing where the property lies and the existing roads.

Chairman Peatross stated that there were some questions on the easement to the existing road and if Mr. Gibson had spoken with anyone in regards to this issue. Mr. Gibson that that the first ¼ mile is deeded to the public then the rest goes through private property so first we would like to deal with the property owners either in purchasing or upgrading the road because right now it is in pretty bad shape and this would be beneficial to all the property owners. Chairman Peatross asked if they were unable to acquire access would they be willing to put in their own road? Mr. Gibson stated that if they were unable to get access via the existing road then they would come back in to relocate from the site they are trying to get and move it closer to the highway where they could build their own access.

Commissioner Brough asked if there were any homes on the road. Mr. Gibson stated that there are 2 homes on 10000 North, 1 on the Ken Labrum property but the Zimmerman's are the closest.

Chairman Peatross asked if there was anyone else that had comments.

Winifred Zimmerman stated that they are in the middle of 80 acres and her main concern would be the noise because right now if she were sitting on her porch she would hear nothing so any noise is going to have an impact on their home. Also she stated that another concern would be dust because the wind is blowing constantly. Mrs. Zimmerman stated that with the development going on to the west of them you can just see the dust blowing and doesn't feel that a gravel pit needs to be in this area to add to the dust problem. Also would there be lights at this site and if so this would also be an impact to us. Chairman Peatross stated that there are work hours but Mrs. Zimmerman asked what about the winter time when it is dark much sooner, would they still work after dark with working lights. Chairman Peatross stated that this would be a question for the applicant and that he could better answer that.

Mrs. Zimmerman stated that if they do something with the road then that would be an improvement but 10000 North is not wide enough to handle more traffic. Mrs. Zimmerman stated that they use the access road and right now with Flying J trucks there is not enough room to pass each other going in opposite directions.

Mrs. Zimmerman stated that they are out in the middle of nowhere and that is why they purchased this piece of property because they were from back east and wanted the peace and quiet. Mrs. Zimmerman stated that she realizes that they are just one family but that they do not want a gravel pit in their backyard.

Mrs. Zimmerman asked if there are going to buildings, how many employees, are the trucks going to be housed in this area and is there going to be blasting involved etc. And in the future how big of an operation is this going to become. Chairman Peatross stated that Mr. Gibson has applied for 5 acres for this operation and in the future if he decides that more area is needed he would need to submit an application to the planning commission and go through this same procedure before he is able to expand. Mrs. Zimmerman asked if this operation would have to follow the same 10 guidelines as the Utah Division Air Quality in regards to dust, I know that he will have to water and all that but is he expected to follow these guidelines. Chairman Peatross stated that this commission does not enforce the air quality but the county does have ordinances regarding dust control etc. Commissioner Rather stated that with a conditional use permit it could be revoked at anytime if the applicant does not follow the conditions that the Planning Commission has set forth.

Mr. Craig Zimmerman stated that this seems to be a recurring issue with industry moving in and coming in conflict with residential areas. Mr. Zimmerman stated that in the report it states that there is not much development going on in this area but stated that there are a lot of new homes going in.

Kelly Thompson stated that her concerns were more with information about what type of operation was going in and stated that Mr. Hyde had answered most of her questions over the phone. Mrs. Thompson stated that at this time there is nothing on their property but in the future they may build. Also at this time we have not been notified of an easement through our property and were wondering what was going on there.

Chairman Peatross stated that at this time the applicant has not notified property owners because he was waiting to see if the conditional use permit would be approved.

Chairman Peatross asked the applicant to come forward and state for the concerns of nearby property owners why you chose this location, what the hours of operations would be and what the operation would basically consist of.

Mr. Gibson stated that they would work within the hours that the county has set forth for other operations of this same type. Mr. Gibson stated that there was no particular reason for this site because there is a lot of ground up there and if we need to we can move it somewhere else on the property. We felt that being in the middle of 600-acre parcel and the Zimmerman's in the middle of an 80-acre parcel but we can move so that it would be less detrimental. Also in regards to wind it usually blows from the west to the east and Zimmerman's are to the west of this site and so I would not think that this should be a problem.

Brad Brotherson (Allred and McClellan) stated that this site would be more like  $\frac{3}{4}$  mile from the Zimmerman's and so I do not feel that this should make problems for them. Mr. Brotherson stated that in regards to the roads there are already semis and oil trucks using roads like 10000 North which is a county road and Mr. Gibson has estimated that there would be approximately 2 trucks per hour so that would not increase the traffic that much.

Mr. Brotherson stated that in terms of the dust issues a regulatory body called IMSHA for air quality controls them and they monitor the dust and the use of their trucks. Mr. Brotherson stated that if it were necessary then there would lights for night work but there are already lights on oil wells and on residents property and with the Zimmerman's being  $\frac{1}{2}$  to  $\frac{3}{4}$  mile away this really should not be a problem.

Mr. Hyde stated that there was one question that has not been addressed and that would be about buildings, truck storage etc. Mr. Gibson stated that there are two options that he has in mind the first being is to hire someone to come in for 30 days and crush a bunch of rock and I would park the loader and haul the rock to the job where we are working. The other option is a matter of economics if the demand gets greater we may want to invest in our own crusher and do our own crushing because right now there is a shortage in all of Duchesne County. The reason for doing this is so that when I need the material I have it. Mr. Gibson stated that in regards to buildings that would only happen if the operation became bigger and that would be just to store loaders or other equipment but that would be in the future.

Mr. Brotherson stated that in regards to the easement issues and at this time we are researching them and are waiting for the title company for the full title report so that we can address this and notify all property owners. Just as a preliminary matter the title searchers have indicated that there may be other means to access this property.

Commissioner Brough asked if the access road was narrow. Mr. Gibson stated that it is probably 40 feet wide with boulders and cobble rock and that is why we indicated that we would fix the road as not to tear up our equipment.

Mr. Gibson stated that someone asked about blasting and there will be no blasting; it is only surface mining.

Commissioner Sweat motioned that the Planning Commission approve the Conditional Use Permit requested by Byron Gibson and Titan Development, subject to the following conditions:

1. Applicant shall control dust and noise so neither becomes a nuisance to other property owners or residents in the vicinity. To help control noise and dust on the haul road and increase safety, the applicant shall inform drivers that a speed limit of 25 miles per hour shall be observed.
2. Applicant shall achieve legal access to the existing Flying J road or acquire an alternative means of access before this permit is deemed effective and before gravel mining operations begin.
3. Applicant shall maintain a reclamation bond in effect during the course of the operations. The bond shall name the County as a beneficiary to the level of at least \$5,000.00 for the first acre disturbed and \$3,000.00 for each additional acre.
4. Applicant agrees to reclaim the site at the conclusion of mining operations in a manner acceptable to Duchesne County.

Commissioner Fabrizio seconded that motion and it passed unanimously.

#### **Minutes: Approval of the April 4, 2007 minutes**

Commissioner Brough motioned to approve the minutes of April 4, 2007 as written. Commissioner Fabrizio seconded that motion and it passed unanimously.

#### **Commission Comments and Staff Information Items:**

Commissioner Rather stated that he has taken a job with the Nebo School District and this would be his last meeting. Mr. Hyde stated that a letter of resignation had been received from Larain Mobley so there are two positions that will need to be filled; one in the Neola area and the Upper Country area. Mr. Hyde and the Commissioners thanked Mr. Rather for his service on the Commission and wished him well.

#### **Adjournment:**

Commissioner Mair motioned to adjourn the meeting at 7:00 PM. Commissioner Sweat seconded that motion and it passed unanimously.